

III. REMARKS

Claims 1-20 are pending in this application. Claim 13 has been amended, and claim 17 has been cancelled. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office requests confirmation of the provisional election of claim group II, comprising claims 13-18. By this Response, Applicants confirm the provisional election of Group II, claims 13-18, with traverse.

With regard to the Restriction Requirement, MPEP § 803 states:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 -§ 806.05(i)); and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) -§ 806.04(i), § 808.01(a), and § 808.02).

Turning to the second element of MPEP § 803, Applicants submit that the Office fails to prove that a serious burden exists relative to the separation of Group II from Groups I and III. In the Restriction Requirement, the Office does not even assert that a serious burden exists. Applicants respectfully submit that there is no serious burden relative to the separation of Groups I, II, and III, because a search and/or understanding of group II inherently (necessarily) involves the search and/or understanding of Groups I and III. In view of the foregoing, Applicants respectfully request withdrawal of the Restriction Requirement between Groups I, II, and III.

In the Office Action, claims 13-15 and 17-18 are rejected under 35 U.S.C. § 103(a) as

being unpatentable over Ohmi (US 6,436,353 B1) in view of Ishihara et al. (US 6,605,134 B2).

With respect to claim 13, Applicants have herein amended the claim, and respectfully submit that Ohmi and Ishihara do not teach each and every element of the claimed invention as amended herein. Specifically, Applicants submit that Ishihara does not teach a material reuse unit including, *inter alia*, a mixing chamber to which a non-reclaimed material supply is coupled. Ishihara teaches the use of a purifier (35, *see* Fig. 1), which functions to remove impurities from the rare gas and subsequently introduce the rare gas into the process chamber at a specified rate (e.g., about 1000 cc/minute) (Col. 7, lines 13-16). No mixing occurs in this chamber; its function is limited to the removal of impurities and controlled injection of the rare gas into the process chamber. In contrast, the mixing chamber of the claimed invention facilitates and enables the combination of a plurality of different ingredients, e.g., a rare gas received in the mixing chamber from a reservoir 82, 90, and a non-reclaimed material from material supply 104. This combination of reclaimed and non-reclaimed materials would not be possible in Ishihara.

Because Ishihara fails to teach the features described above, and Ohmi fails to teach a material reuse unit in any form, Applicants respectfully request that the rejection to claim 13 under 35 U.S.C. § 103(a) be withdrawn. Applicants further submit that the amendment made herein contains no new subject matter, as the additional limitations included in the newly amended claim 13 can be found in what was previously claim 17, as well as the specification at page 9, line 12 *et seq.*

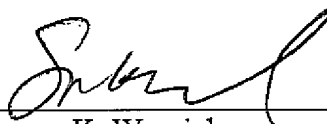
With respect to claims 14-15 and 18, Applicants respectfully submit that these four claims are allowable for reasons stated above relative to independent claim 13, and for their own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejections to claims 14-15 and 18 under 35 U.S.C. § 103(a).

In the Office Action, claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohmi (*supra*) and Ishihara (*supra*) in view of Ha (US 5,779,863). With respect to claim 16, Applicants respectfully submit that this claim is allowable for reasons stated above relative to independent claim 13, and for its own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejection to claim 16 under 35 U.S.C. § 103(a).

IV. CONCLUSION

Applicants respectfully submit that the Application as presented is in condition for allowance. Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Spencer K. Warnick
Reg. No. 40,398

Date: 3/27/07

(JMT)

Hoffman, Warnick and D'Alessandro, LLC
75 State Street, 14th Floor
Albany, New York 12207
Phone: (518) 449-0044
Fax: (518) 449-0047